

**STATEMENT OF JUSTIFICATION  
CATEGORY 23 - SPECIAL EXCEPTION  
(DISPLAY IN THE FLOODPLAIN)  
&  
CATEGORY 18 - SPECIAL PERMIT  
(PLANT NURSERY RETAIL SALES)  
MEADOWS FARMS NURSERY**

Project Name: Meadows Farms Nursery

Property Owner: Fairview Farm, LTD

Applicant: Meadows Farms Nursery  
Ron Meadows

Location: 5020 Lee Highway (Route 15/29)

Magisterial District: Scott

PIN: 7906-74-8395-000

Acreage: 5.00 Acre Portion of 106.3003 Acres

Zoning: Rural Agricultural (RA)

Comp Plan: Rural

Request: Approval of a Category 18 Special Permit for a Retail Nursery in the Rural Agriculture (RA) zoning district pursuant to Section 3-318.11 of the Fauquier County Zoning Ordinance and approval of a Category 23 Special Exception for display of materials in the 100-year floodplain pursuant to Section 3-323 of the Fauquier County Zoning Ordinance with additional standards outlined in Article 5 of Fauquier County Zoning Ordinance.

On behalf of Meadows Farms Nursery (hereinafter the "Applicant"), we are hereby requesting approval of a Category 18 Special Permit to allow the continued operation of Meadows Farms Nursery, a retail sales nursery, in the Rural Agriculture (RA) zoning district pursuant to §3-318 of the Fauquier County Zoning Ordinance on approximately 5.0 acres of land owned by Fairview Farm, LTD. Additionally, we request approval of a Category 23 Special Exception to permit the display of materials in the 100-year floodplain pursuant to §3-323 of the Fauquier County Zoning

Meadows Farms Nursery  
Statement of Justification  
SE/SP

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Ordinance. The applicant is requesting to use approximately 30,000 square feet of the 5.0 acre site for display of landscaping rocks and like materials (hereinafter the "Stone Center") in the 100-year floodplain.

Meadows Farms is located at 5020 Lee Highway (Route 15/29) in New Baltimore, Virginia. The property is located on the north side of Route 15/29 on a 106 acre property owned by Fairview Farm, LTD. Meadows Farms currently occupies approximately 5 acres of the subject property. The property is zoned Rural Agriculture (RA) and is completely surrounded by RA zoning, with Commercial Highway (C-2) zoning located across Route 15/29.

Meadows Farms owns and operates over thirty (30) retail nurseries in the Metro D.C. area. They are located in Virginia, Maryland and West Virginia. They have been in retail nursery business for over 35 years. They are typically open Monday through Saturday from 9 a.m. to 6 p.m. and Sunday 10 a.m. to 5 p.m. They have been at this specific location for over 20 years.

On March 2, 1972, the Fauquier County Board of Zoning Appeals (BZA) granted a Special Permit to Mr. John Treese, which allowed him to locate a plant and tree nursery on approximately 5.0 acres of land across from the Coco-Cola Company in New Baltimore, Virginia on Route 15/29. When this approval was granted the 5.0 acres was not delineated in any manner, nor were there any conditions associated with the BZA's approval motion. Mr. Treese was merely granted approval for the use in question. It is our contention that this 5.0 acre plant and tree nursery is in fact now Meadows Farms. However, since there was no delineation of the 5.0 acres for the nursery in 1972, there is no way to substantiate that they are in fact one in the same. Therefore, Meadows Farms is requesting Special Permit approval for their current business operation, including the Stone Center, at this time. Meadows Farms has submitted a Special Exception/Special Permit Plat that defines the five (5) acres for the retail sales nursery use and its associated improvements, which should help Fauquier County in future should changes to the use and/or business occur.

In addition, Meadows Farms has applied for a Category 23 Special Exception for display of materials in the 100-year floodplain. Specifically, Meadows Farms requests the ability to store landscaping rocks and like materials on approximately 30,000 square feet of the nursery, as shown on the Special Exception/Special Permit Plat. As you can see the entire five (5) acres of the



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Nursery is located within the 100-year floodplain. Consequently it is impossible to relocate the Stone Center out of the 100-year floodplain at this location on property leased by Meadows Farms.

Meadows Farms started the stone center over a couple years ago at this location. However, unbeknownst to them was the fact that they could not display their product in the 100-year floodplain without approval of a Special Exception. Until they were notified of their impending zoning violation, Meadows Farms was unaware they were in violation. However, once notified, Meadows Farms has diligently pursued every remedy possible to bring the site into compliance with all applicable ordinance requirements, and has decided to pursue approval of a Category 23 Special Exception to allow the display of the Stone Center in the 100-year floodplain.

Meadows Farms sold approximately \$300,000 of stone products at this location last year alone. We maintain that the Stone Center is a benefit to everyone; the property owner, the applicant and the County. Disallowing this Special Permit could cause the relocation of the stone center to one of Meadows Farms other locations. At a minimum it will require the relocation out of the floodplain on the Fairview Farm LTD property, which may or may not be possible and would most certainly have an impact on Fairview Farms current beef cattle operation.

**SPECIAL EXCEPTION & SPECIAL PERMIT STANDARDS AND ADDITIONAL  
STANDARDS FOR PLANT NURSERY RETAIL SALES AND FLOODPLAIN USES**

Below please find the General Standards for Special Exceptions and Special Permits and the additional standards for Plant Nursery Retail Sales and Floodplain Uses followed by a detailed discussion of how the current application meets the above referenced standards.

**General Standard 5-006.1**

*The proposed use shall not adversely affect surrounding properties, shall be consistent with the County's comprehensive plan and shall not discourage appropriate development of adjoining properties.*

The proposed use is a Retail Sales Nursery located in the RA zoning district. The Nursery utilizes approximately 5 acres of a 106 acre parcel, which completely surrounds the use. Mr. Robert Kube, managing member of Fairview Farm, LTD, the subject property on which the use is located, is supportive of the proposed Stone Center and Meadows Farms. The property is

*Meadows Farms Nursery*

*7750 W. 100th St. - Suite 100*

*Eden Prairie, MN*

*55325*

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designated as Rural in the Fauquier County Comprehensive Plan, but its location on Route 15/29 lends itself to being commercial in nature. The applicant maintains that a retail nursery along Route 15/29 in a RA zoning district is precisely compliant with the property's rural designation.

*General Standard 5-006.2*

*The proposed use shall not generate pedestrian or traffic hazards.*

The proposed use will not generate any pedestrian traffic, because of its location directly adjacent to Route 15/29. Customers will utilize the existing entrance on Route 15/29 that has adequately served the business for many years, therefore traffic hazards should not be generated by the stone center.

*General Standard 5-006.3*

*The BZA may require additional landscaping/screening.*

The applicant is proposing to meet the landscaping requirements of Article 7 of the Fauquier County Zoning Ordinance or a modification of Article 7 shall be requested with the site plan submission, and is not proposing any additional landscaping at this time. The applicant business is primarily driven by its visibility, and therefore additional screening from Route 29 could be detrimental. The applicant asks that no additional landscaping be conditionally required.

*General Standard 5-006.4*

*Open space shall be provided in an amount at least equal to that specified for the zoning district in which the use is proposed.*

There is no open space requirement for the proposed use.



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**General Standard 5-006.5**

*Adequate utility, drainage, parking, loading and other necessary facilities shall be provided.*

The development as proposed utilizes existing site improvements to the greatest extent possible. At this time the applicant is not proposing any new structures or site improvement beyond those required by the Zoning Ordinance for the display area as shown on the companion plat. Stormwater management will be provided for the stone center. We have been diligently working with the County Engineer in order to find the least intrusive technique to manage stormwater runoff that meets ordinance requirements.

**General Standard 5-006.6**

*Signs shall be consistent with the Zoning Ordinance; the BZA may apply more stringent requirements.*

The applicant has not proposed any specific signage with this request. Any subsequent signage shall meet the standards of Article 8 of the Fauquier County Zoning Ordinance.

**General Standard 5-006.7**

*The future impact of a proposed use will be considered and addressed establishing a time limit for use.*

As Meadows Farms is a longstanding business in Fauquier County, we respectfully request a time limit for use not be imposed on this project.

**General Standard 5-006.8**

*The proposed use shall not degrade or deplete air quality, surface and groundwater.*

The proposed use shall not degrade or deplete air quality, surface and groundwater. The applicant is not proposing any additional site improvements except for the existing gravel for the outdoor display area. These are the only proposed improvements associated with this request, and they currently exist.

**General Standard 5-006.9**

*All uses shall comply with lot size, bulk regulations, and performance standards of the zoning district in which it is located.*

*Submitted on January 14, 2014*

*Submitted by: [Signature]*

*6/20/14*

*10/20/14*

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The proposed use complies with the lot size, bulk regulations, and performance standards of the Rural Agriculture (RA) zoning district in which the proposed use is located.

*Additional Standards for Plant Nursery/Greenhouse, Retail Sales, in Rural Zoning Districts*

1. The minimum lot size requirement shall be five (5) acres.

The use is located on a parcel that is 106 acres in size.

2. No building, structure, outdoor storage parking or loading area used for or in conjunction with such use shall be located within 50 feet of any lot line.

No building, structure, outdoor storage, parking or loading area shall be located within 50 feet of any lot line. Any parking shown on the plan currently exists and predates this standard.

3. Off-street parking, loading and outdoor storage areas shall be effectively screened.

All areas shall be effectively screened with the site plan if required.

4. No sales of power tools, garden vehicles or machinery shall be conducted on the premises.

The applicant agrees that there shall be no sales of power tools, garden vehicles or machinery on the premises.

*Additional Standards for Floodplain Uses*

1. No such use shall cause an increase in the level of flooding or velocity of flood waters.

The proposed use of displaying landscaping rocks and like materials will not cause an increase in the level of flooding or velocity of flood waters.

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2. *No such use shall create a potential hazard of debris subject to movement by flood waters which might cause damage downstream.*

The rocks will not create a potential hazard of debris subject to movement by flood waters which might cause damage downstream, because they are not buoyant and will not float away.

3. *The John Marshall Soil and Water Conservation District shall be given the opportunity to comment on such uses.*

Agreed.

4. *The applicant shall have obtained and shall present evidence attesting any applicable approvals by State and Federal authorities concerning such a use.*

There are no applicable State and Federal approvals needed for the display of landscaping rocks in the floodplain.

5. *Materials and equipment stored in the floodplain shall not be buoyant, flammable or explosive, and shall not be subject to major damage by flooding or such materials and equipment must be firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.*

The materials in questions are landscape rocks, which are not buoyant, flammable or explosive, nor are they subject to major damage by flooding.

6. *Special exceptions shall only be issued after the Board of Supervisors has determined that the granting of such will not result in (a) unacceptable or prohibited increase in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local law or ordinances.*



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If approved this special exception will not result in an increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with local law or ordinances.

The applicant would simply like to display landscaping rocks for sale in a visible location along Route 15/29. In no way shape or form will this cause any of the aforementioned items.

7. *Special exceptions shall only be issued after the Board of Supervisors has determined that the special exception will be necessary to provide the applicant with reasonable use of the parcel of land in question, taken as a whole.*

The display of the proposed goods in the floodplain is a benefit to the owner of the property, the applicant and Fauquier County as a whole. The applicant last year alone sold approximately \$300,000 worth of stone at this location, which most definitely is a positive tax benefit to the County. As mentioned previously in this statement there is no place on the property, leased by the applicant, where display of the material can be located out of the 100-year floodplain. In addition the location of the display, in close proximity to Route 15/29 is imperative to its vitality. Therefore, we contend that the requirement above is satisfied.

8. *The Zoning Administrator shall notify the applicant for a special exception in writing, at the time of filing, that the issuance of a special exception to construct a structure below the one hundred (100) year flood elevation (a) will increase risks to life and property, and (b) will result in increased premium rates for flood insurance.*

This requirement is up to the Zoning Administrator, but we contend it is not applicable.

9. *A record of the above notification as well as all special exception actions, including justification for their issuance, shall be maintained and any special exceptions which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.*

In our opinion this requirement is not applicable.

Meadows Farms Nursery  
Board of Supervisors  
2005  
B. L. O. N.



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It is the applicant's contention that all applicable general and additional standards for approval of a Category 18 Special Permit for Plant Nursery Retail Sales and Category 23 Special Exception for display of materials in the 100-year floodplain as they are found in the Fauquier County Zoning Ordinance have been satisfied by this application. In closing the applicant asks for your timely approval of this request, and respectfully thanks you for your time and consideration of this application.

Respectfully Submitted,

 8.14.08  
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Carson-Ashley & Associates, LLC  
Charles A. Floyd